

REMARKS

Claims 1-27 and 31-42 are pending. Claims 1-18, 21, 22, and 25-27 are currently amended, claims 28-30 are canceled, and claims 31-42 are new. The amendments and new claims are supported throughout the specification – in particular, at pars. [0023] – [0039] and FIGS. 2-4.

Applicant thanks Examiner Nguyen and SPE Hewitt for the informative Interview held May 14, 2008.

The following remarks are in response to the Office Action mailed February 12, 2008, and in response to the discussion that took place at the Interview.

Claim Rejections – 35 U.S.C. § 101

Claims 1-11 and 25-28 stand rejected under section 101 as not having “a tangible means.” Claim 28 has been canceled. To overcome the rejections of claims 1-11 and 25-27, Applicant has followed the Examiner’s advice and clarified that the system of 25 is a computer system and that claim 1 (as amended) is a computer-implemented method. These amendments are supported throughout the specification, as indicated above. The section 101 rejections are believed to overcome by those amendments.

Claim Rejections – 35 U.S.C. § 112

Claims 1-30 stand rejected as being indefinite. Claims 28-30 have been canceled. The rejections of claims 1-27 are respectfully traversed, for the reasons provided below.

(a) Claims, 1, 12, and 25 stand rejected as comprising the phrase “publicly available.” Although Applicant respectfully suggests that the term “publicly available” has a well-understood meaning to those skilled in the art reading the claims in light of the specification, claims 1, 12, and 25 have been made even more explicit by the above amendments, specifying

that the unique identifier is available to other users via an Internet portal or search engine.¹ This clarification is believed to overcome the rejections regarding “publicly available.”

(b) Claims 2-11, 13-24, and 26-27 appear to be rejected based solely on the rejections of claims 1, 12, and 25. Thus, the amendments discussed in section (a) above are believed to also overcome these rejections.

(c) Claim 5 stands rejected based on the assertion that a person of ordinary skill in the art would not know how a directory can make a deposit. Without conceding that this ground for rejection is accurate regarding the understanding of one skilled in the art reading the claims in light of the specification, claim 5 has been amended to specify that “the directory is in communication with and operable to be queried by a portal system to make deposits directly to the account” This amendment is believed to overcome the subject rejection.

(d) Claim 6 stands rejected on grounds similar to those regarding claim 5. An analogous amendment has been made to claim 6, and this amendment is believed to overcome the rejection.

(e) Claim 16 stands rejected on grounds similar to those regarding claim 5. An analogous amendment has been made to claim 16, and this amendment is believed to overcome the rejection.

(f) Claim 17 stands rejected on grounds similar to those regarding claim 5. An analogous amendment has been made to claim 17, and this amendment is believed to overcome the rejection.

(g) Claim 26 stands rejected on grounds similar to those regarding claim 5. An analogous amendment has been made to claim 26, and this amendment is believed to overcome the rejection.

¹ Note that these limitations have been added solely to expedite examination and allowance of the claims. The amendments are believed to limit the claims much more than is required to distinguish over the prior art or to overcome the section 112 rejections, and are thus not being made solely for reasons related to patentability.

(h) Claim 27 stands rejected on grounds similar to those regarding claim 5. An analogous amendment has been made to claim 27, and this amendment is believed to overcome the rejection.

Claim 27 also stands rejected based on the assertion that the phrase “the directory” lacks sufficient antecedent basis. Claim 27 has been amended to change “the directory” to “the root directory,” as suggested by the Examiner. This amendment is believed to overcome the present rejection.

Claim Rejections – 35 U.S.C. § 102

Claims 1-6, 8-9, 11-17, 19-20, and 22-30 stand rejected as anticipated by U.S. Patent No. 6,173,272, to Thomas et al. (“Thomas”). Claims 28-30 have been canceled. The rejections of claims 1-6, 8-9, 11-17, 19-20, and 22-27 are respectfully traversed, for the reasons provided below.

First, Thomas teaches a system that is quite limited in its availability and usability by the public. The “universal identifier number” used by the Thomas system is not available to a potential payor unless it is provided directly to the payor by the payee. For example, a potential payor wishing to pay his utility bill has no access to the utility’s universal identifier number (“UIN”) unless that number is provided to the payor via a received invoice (bill), or otherwise directly provided to the payor. That is, the payor cannot simply “look-up” the utility’s (payee’s) UIN and use the UIN to transmit payment. Unless the payor already has received the UIN, the payor simply cannot make a payment to a payee using the system of Thomas.

Also, the system of Thomas requires a trusted third party intermediary (“TTP”) in order to work. As explained at in the Abstract and in column 5 of Thomas, a trusted third party system computer, in response to receipt of a UIN (for a payee) from a payor’s home banking system, is required in order to: (a) identify a payee as a party to receive payment; (b) generate a routing/transit number of the bank of the payee and the payee’s account number from the universal identifier number; and (c) communicate electronically with the bank of the payee to facilitate transfer of the amount owed to the payee’s account to the bank of the payee.

The method of claim 1 overcomes the above problems with Thomas. By providing publicly available unique identifiers (or, as in amended claim 1, identifiers available to users of an Internet portal or search engine), the method of claim 1 allows (in contrast to Thomas) payors to make payments to payees of their choice – they don't need to wait for the payee (or a trusted third party) to provide the appropriate unique identifier since they can get the identifier from the Internet portal or search engine.

Moreover, the claimed method avoids the need for a TTP-based system. Financial institutions themselves have access to the mapping of unique identifiers to payee account information, thus avoiding any need for the cumbersome system of Thomas.

Finally, it is respectfully noted that the Office Action, at page 9, admits that Thomas fails to teach all of the limitations of claim 1: “Thomas does not directly show the unique identifier.”

In light of the above, it should be clear that the Office Action misapplies the pending claims with respect to Thomas. Thomas does not teach the claim 1 limitation of the unique identifier being available to users of an Internet portal or search engine – indeed, such public accessibility to the identifiers would be antithetical to Thomas's system. Since claim 1 is not anticipated by Thomas, dependent claims 2-11 cannot be anticipated by Thomas.

Moreover, since Thomas teaches only the TTP associating account numbers with UINs, Thomas cannot teach a root directory containing such information, for synchronizing such information with other directories. Thomas teaches only one directory, at most, and thus does not teach or suggest a root directory as required by claim 3.

Claims 12 and 25, and their dependent claims 13-24 and 26-27, respectively, have the same “unique identifier being available to users of an Internet portal or search engine” limitation as claim 1, and thus cannot be anticipated by Thomas.

Finally, new claims 31-43 all depend from claims 1, 12, and 25, and thus also cannot be anticipated by Thomas.

In light of the above, all section 102 rejections of the pending claims over Thomas are believed to have been overcome. Reconsideration and withdrawal of those rejections is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 7, 10, 18, and 21 stand rejected as being unpatentable over Thomas in view of U.S. Patent No. 7,165,052, to Diveley et al. (“Dively”). These rejections are respectfully traversed, for the reasons provided below.

Claim 1 stands rejected based on the assertion that Thomas teaches all limitations except the uniqueness of the identifier, and that Diveley teaches the unique identifier. Applicant respectfully disagrees.

First, as explained above, Thomas fails to teach limitations of claim 1 unrelated to the uniqueness of the identifier. Thus, simply finding a reference that teaches a unique identifier is not enough to render claim 1 unpatentable.

Second, Dively does not teach the unique identifier *of claim 1*. Claim 1 requires a unique identifier *linked to an account that receives deposits using the unique identifier*. In contrast, the “unique identifier” discussed in column 1 of Diveley is assigned to a *customer* (i.e., a payor, not a payee) for use when paying, for example, a telephone bill. Thus, Diveley’s “unique identifier” is completely unrelated to that of claim 1. Indeed, it is completely on the wrong end of the transaction chain. As a consequence, one skilled in the art would have no reason whatsoever to try to combine the teachings of Diveley with those of Thomas.

In light of the above, reconsideration and withdrawal of the section 103 rejection of claim 1 is respectfully requested.

Claims 7, 10, 18, and 21 all stand rejected over the combination of Thomas and Dively, based on the assertion that Dively teaches the credit card provider of those claims. These rejections are respectfully traversed, for the reasons provided below.

First, since claims 7 and 10 depend from claim 1, and claims 18 and 21 depend from claim 12, those claims have limitations (other than the credit card provider limitations) that are not taught or suggested by Thomas. Thus, merely finding a reference that teaches a credit card provider is not enough to render those claims unpatentable.

Second, Diveley fails to teach the credit card provider of claims 7, 10, 18, and 21. For example, claim 7 (as amended) requires the directory of claim 2 to be maintained by a credit card provider. That directory is required by claim 2 to be for associating the account holder of claim 1 (i.e., the holder of the account associated with a unique identifier) and the account number with the unique identifier.

But Diveley fails to teach or suggest any such credit card provider – that is, a credit card provider that maintains a directory for associating the account holder with the unique identifier, the unique identifier being available to users of an Internet portal or search engine, and wherein the account receives deposits using the unique identifier.

The Office Action cites to only two portions of Diveley as allegedly containing such teachings: column 1, lines 12-20, and column 2, lines 30-33. Both excerpts are reproduced below.

Diveley, column 1, lines 12-20:

A wide variety of payment methods are available to consumers of goods and services. In addition to currency, consumers are often able to use their credit in making purchases. A common system for making credit purchases involves the use of a credit card provided by a credit card issuer, such as a commercial bank or other financial institution. Non-credit transactions can be handled by debit cards, which utilize funds already deposited by the consumer for payment purposes.

Diveley, column 2, lines 30-33 (actually, 28-33):

7. providing such a payment method and system which are adapted for promoting and cross selling other products of the payment service provider and its clients;

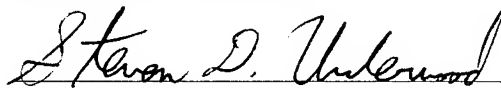
8. providing such a payment method and system which capture transactional data for use in managing a customer database; and

Clearly, nothing in either of the above excerpts teaches or suggests a credit card provider maintaining a directory as specified by claims 1 and 2.

For at least the reasons provided above, the pending claims are believed to be allowable over the cited references.

No fee is believed to be due with this Response, other than the extension fee authorized above. However, if any other fee is due, please charge that fee to Deposit Account No. 50-0310.

Respectfully submitted,



Steven D. Underwood, Esq.

Registration No. 47,205

MORGAN, LEWIS & BOCKIUS LLP

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101 Park Avenue
New York, NY 10178-0060
(212) 309-6000